

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

835M0581

HOUSE BILL NO. 1147

Introduced by: Representatives Murschel, Cutler, Dykstra, Hackl, Halverson, Heineman, Hennies, Hunhoff, Kroger, McCoy, O'Brien, Rounds, and Thompson and Senators Schoenbeck, Abdallah, Bartling, Broderick, Dempster, Knudson, Moore, Nesselhuf, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain eligibility restrictions related to secondary
2 school extracurricular activities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-32-9 be amended to read as follows:

5 13-32-9. Any person adjudicated, convicted, the subject of a youth diversion program, or
6 the subject of a suspended imposition of sentence for possession, use, or distribution of
7 controlled ~~drugs~~ or substances or marijuana as defined in chapter 22-42, or for ingesting,
8 inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is
9 ineligible to participate in any extracurricular activity at any secondary school accredited by the
10 Department of Education for one ~~calendar~~ year ~~from the date of adjudication, conviction, or~~
11 suspended imposition of sentence. The one-year suspension may be reduced to sixty school days
12 if the person participates in an assessment with a certified chemical dependency counselor or
13 completes an accredited intensive prevention or treatment program. If the assessment indicates
14 the need for a higher level of care, the student is required to complete the prescribed program



1 before becoming eligible to participate in extracurricular activities. Upon a subsequent
2 adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or
3 distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for
4 ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-
5 15, by a court of competent jurisdiction, that person is ineligible to participate in any
6 extracurricular activity while that person is attending any secondary school accredited by the
7 Department of Education. Upon such a determination in any juvenile court proceeding the
8 Unified Judicial System shall give notice of that determination to the South Dakota High School
9 Activities Association and the chief administrator of the school in which the person is enrolled.

10 Upon placement of the person in a youth diversion program, the state's attorney who placed
11 the person in that program shall give notice of that placement to the South Dakota High School
12 Activities Association and chief administrator of the school in which the person is enrolled.

13 As used in this section, the term, extracurricular activity, means any activity sanctioned by
14 the South Dakota High School Activities Association.